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ATTACHMENT A

**ATTACHMENT TO
DOCUMENT NUMBER 40**

REPORTER'S RECORD
VOLUME 25 of 33 VOLUMES
TRIAL COURT CAUSE NO. 8870 [JASPER COUNTY]
27,037 [BRAZOS COUNTY]

THE STATE OF TEXAS * IN THE DISTRICT COURT
VS. *
* BRAZOS COUNTY, TEXAS
*
LAWRENCE RUSSELL BREWER * 85TH JUDICIAL DISTRICT

TRIAL PROCEEDINGS

On the 17th day of September, 1999, the
following proceedings came on to be heard in the
above-entitled and numbered cause before the
Honorable Monte Lawlis, Judge Presiding, held in
Bryan, Brazos County, Texas.

Proceedings reported by computerized stenotype
machine.

ORIGINAL

FILED IN
COURT OF CRIMINAL APPEALS

JUN 21 2000

Troy C. Bennett, Jr., Clerk

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1 you.

2 THE COURT: Next witness?

3 MR. BARLOW: Your Honor, our next
4 witness may be a little more lengthy. Could we take
5 a break now, Your Honor? That's normally where we
6 took it during the State's case.

7 THE COURT: We'll take a 20-minute
8 recess. Please everyone remain seated until the jury
9 has left the courtroom.

10 (Recess taken)

11 MR. WALKER: Call Russell Brewer.

12 May I proceed?

13 THE COURT: Yes, sir.

14 LAWRENCE RUSSELL BREWER, JR.,
15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. WALKER:

10:48:41 18 Q. State your full name for the jury, please.

19 A. Lawrence Russell Brewer.

10:48:45 20 Q. And, Russell, you understand that you have
21 an absolute right to not testify in this case;
22 correct?

23 A. Yes, sir.

10:48:53 24 Q. Do you voluntarily choose to waive that
25 right?

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1 A. Yes, sir.

10:48:56 2 Q. Okay. Why is that?

3 A. So I can clear everything up that's
4 happened.

10:49:11 5 Q. Throughout this investigation there has
6 been some things that you have told different people
7 that have been untrue; is that correct?

8 A. Yes, sir.

10:49:18 9 Q. Do you understand that you are here today
10 under oath to tell these people what the truth of
11 this situation is?

12 A. Yes, sir.

10:49:25 13 Q. Okay. And are you going to do that?

14 A. Yes, sir.

10:49:28 15 Q. Want you to tell the jury briefly about
16 your educational background. Did you go to high
17 school?

18 A. Yes, sir.

10:49:37 19 Q. Did you complete high school?

20 A. I was supposed to be in the 12th grade, and
21 they put me back to the 11th grade instead of going
22 to the 12th grade.

10:49:49 23 Q. Did you graduate?

24 A. No.

10:49:50 25 Q. Okay. Where did you grow up, Russell?

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1 A. I guess in -- you would consider it Cooper,
2 Texas. Live, like, five miles out of that town in a
3 place called Klondike.

10:50:03 4 Q. Okay. Now, growing up did you have any
5 problems with people that were not of the white race?

6 A. No, sir.

10:50:11 7 Q. Okay. And at some point in your life you
8 ran into some trouble, did you not? You had some
9 problems?

10 A. Yes.

10:50:22 11 Q. You had some problem with the law?

12 A. Yes, sir.

10:50:24 13 Q. Tell the jury about the first time that you
14 got in trouble with the law.

15 A. I guess I will have to say whenever I was a
16 juvenile, running away from home.

10:50:36 17 Q. Okay. When is the first time that you went
18 to the penitentiary?

19 A. In -- I think it was '86. End of '86.
20 '87.

10:50:51 21 Q. Do you remember what you were charged with?
22 What was the crime?

23 A. Yes, sir. It was for burglary of a
24 habitation.

10:50:55 25 Q. Did you have a trial in that case?

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1 A. No, sir.

10:50:58 2 Q. Did you plead guilty to that offense?

3 A. Yes, sir. They put me on probation first

4 for -- like, ten years' probation.

10:51:04 5 Q. Yes, sir.

6 A. And then I burglarized again several months

7 after that, and they sent me to TDC for seven years.

10:51:13 8 Q. Okay. Which TDC unit did you go to?

9 A. To Hilltop community in Gatesville.

10:51:22 10 Q. Okay. How many tattoos did you have

11 whenever you went to that unit?

12 A. I didn't have any tattoos.

10:51:31 13 Q. Okay.

14 A. None. All my life -- I never had a tattoo

15 until about '92, '93.

10:51:39 16 Q. Now, did you spend your time there at the

17 unit?

18 A. Spend my time at the unit?

10:51:46 19 Q. Yes, sir. Did you spend your seven years

20 there.

21 A. No. I did, like, six months in the county

22 jail and six or seven months at Hilltop Unit. They

23 let me out on parole.

10:51:57 24 Q. Okay. And when you were out on parole, did

25 you wind up going back to the penitentiary again?

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1 A. Yes, sir.

2 Q. What was that for?

3 A. For -- I was living with this guy that
4 was -- I guess he was a bootlegger -- sold beer and
5 whiskey and cocaine and pot -- marijuana. And I was
6 living with him, and I guess -- six or seven, eight
7 months I was living with him. And then the police
8 run over there and said there was a fight going on
9 and come in there and search the house and found some
10 cocaine in the house. And they said everyone there
11 was being charged with -- showed residence at that
12 trailer house. I was charged with cocaine.

10:52:55 13 Q. Did you have a trial?

14 A. I wasn't charged with cocaine. The owner
15 of the house was charged with it. And then two or
16 three days after he was in jail, his people come to
17 me and told me -- said if I would take, more or less,
18 the blame for it, they would let me go after I got
19 out.

10:53:11 20 Q. Did you --

21 A. So I went in there and made a statement to
22 his probation officer that the stuff was mine which
23 it wasn't -- that wasn't mine; but I had done some,
24 you know, before then so ...

10:53:25 25 Q. Did you plead guilty to that offense?

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1 A. Yes, sir.

10:53:29 2 Q. Did you wind up going back to the
3 penitentiary?

4 A. Yes, sir.

10:53:32 5 Q. Which penitentiary were you sent to?

6 A. In '89 went back -- same one, to Hilltop.
7 It's, like, a minimum security men's prison with a
8 bunch of women's units right there next to it.

10:53:45 9 Q. Okay. Did you wind up, at some point,
10 going to Beto I?

11 A. Yes, sir.

10:53:52 12 Q. Okay. How did you wind up going to Beto?

13 A. On a parole violation.

10:54:05 14 Q. Tell them.

15 A. I got out on the possession of cocaine in
16 '91 -- 1991, and from '91 to '93 it led to not
17 reporting to my parole officer. So they revoked me
18 for not reporting. And I didn't report for, like,
19 five months and so they revoked me for not reporting.

10:54:37 20 Q. Okay.

21 A. And I think they added on there, too, not
22 giving them a change of address because I didn't
23 report and I wasn't living where I told them I was.

10:54:43 24 Q. Okay. Russell, whenever -- when you went
25 to Beto I in 1991 how many tattoos did you have?

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1 A. I had one -- one tattoo. About '92. Then
2 when I was up in Fort Worth, then this guy just put,
3 like, a Mexican guy with his hands in his pocket,
4 what they consider like a low rider, right there on
5 the forearm. That's the only tattoo I had.

10:55:12 6 Q. Were you a racist at that point, Russell?

7 A. No, sir.

10:55:16 8 Q. Okay. You get to Beto I in 1991. Tell the
9 jury about your experience whenever you entered the
10 jail system.

11 A. I wasn't paying attention. What did you
12 say?

10:55:29 13 Q. Tell the jury about your experience at
14 Beto I.

15 A. From Day 1?

10:55:35 16 Q. Yes, sir.

17 A. Well, at the Hilltop Unit where I had been
18 twice before -- it was a totally different
19 environment at Hilltop. Everyone intermingling with
20 each other as far as sitting arrangements; watching
21 the TV in the day room area; and, you know, black
22 guys and white guys, Spanish guys, sitting together
23 on the beds, drinking coffee, and talking to each
24 other. And whenever I got to that Beto I unit, it
25 was a whole totally different story. I got there and

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1 had, like, three sections of benches -- like, ten
2 benches were on one side and ten benches and ten more
3 benches. And what was unusual that ten benches over
4 here were all black people and ten benches over here
5 were all black people and the other ten was -- first
6 three was, like, Spanish people in front and two
7 benches for the white people and then four benches in
8 the back were the rest of the Spanish guys.

9 But there was, like, one or two white
10 guys sitting on the black -- on this black side and
11 maybe one or two sitting on the Spanish side, too,
12 which I didn't realize what was going on till later.
13 Whenever I got there, I tried to sit down. They told
14 me I couldn't sit down.

10:57:07 15 Q. And what happened after they told you you
16 couldn't sit down?

17 A. They --

10:57:24 18 Q. Let me ask you this --

19 A. Whenever all the new guys get there, then
20 they have to be what they called checked.

10:57:30 21 Q. What does it mean to be checked?

22 A. Whenever -- try to fight you.

10:57:39 23 Q. Are you a fighter?

24 A. No.

10:57:42 25 Q. Are you a good fighter?

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1 A. No. I had, like, maybe two, three fights
2 that I know of in my whole life; and that was at the
3 Hilltop Unit, the two fights was. And then the third
4 fight I had later on at Beto I when they considered
5 that was a riot whenever I was in the day room when
6 all that happened.

10:58:08 7 Q. While we're on that subject tell the jury
8 what happened in that particular instance.

9 A. A white guy and a Spanish guy had a fight
10 in the welding shop, and the white guy ended up --
11 somehow he broke his arm during the fight. And
12 another white inmate seen me and he went and told the
13 school teacher; but when he was telling the school
14 teacher what happened, another white inmate seen
15 telling -- excuse me. A Mexican seen telling the
16 school teacher about the fight that just happened.
17 So after class was dismissed and we got back on the
18 cell block all the Spanish guys were saying that they
19 was fixing to check that white guy out.

10:59:02 20 Q. For what?

21 A. For telling on what happened.

22 And -- so that's what I was -- as far
23 as the knowledge that I got, the white guys was
24 telling them that they could check them one on one.

10:59:24 25 Q. Let me ask you this --

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1 A. So during the lunchtime there was about a
2 hundred people in the day room -- the whole block was
3 getting ready to turn out for school again because it
4 was all day school. And at lunchtime everyone
5 gathers in the day room until the turn out, like,
6 12:30, 1:00 o'clock. Then the school teachers come
7 back and get, like, 30 or 40 people in the day room.

8 I was sitting in the day room. I
9 wasn't paying them no attention. I thought the check
10 was going to be, like, later on at night when we're
11 outside the rec because that's usually where they
12 fight at or up in your cell. They hardly ever fight
13 in the day room, but there is fighting going on in
14 the day room.

15 So I'm sitting there waiting to --
16 getting ready for school, turnout at 12:30, and I
17 heard all the scuffling -- feet scuffling around in
18 the back, and I turned around. I seen about three
19 Spanish guys -- a white guy was on the floor
20 squatting down, and they was kicking him and standing
21 on him. And just out of common sense I went back
22 there and tried to break it up by pushing the
23 Mexicans off of him and pulled the white guy out by
24 his shirt and told him to stand up. And about that
25 time I got hit, like, twice in my head. And whenever

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1 I turned around -- was trying to shake it off to see
2 who hit me, and then the police -- the guards come
3 into the day room and said, "Everyone down on the
4 floor." So everyone got down, and all the people
5 that was in the back involved in that -- then they
6 got wrote up for being what they considered
7 involving -- participating in a riot.

11:00:56 8 Q. Let me ask you this, Russell: When you
9 first got there, did you look like State's Exhibit
10 105? Is that the way you looked?

11 A. No, sir.

11:01:20 12 Q. Okay. Did you have any racist views or
13 thoughts at that time?

14 A. No, sir. I -- before I even got to Beto
15 I -- that was basically the main reason why I didn't
16 report because I was in Fort Worth with this Spanish
17 girl. And I had messed around with her for four --
18 three or four months and got her pregnant. And my
19 mom said that I needed to come home and report to --
20 my parole officer was looking for me.

21 Then I told the girl that I had to go
22 report, and that's when she told me that I -- that
23 she was pregnant. And so I told her the best thing
24 that we could do is if she'll come back to Sulphur
25 Springs with me before I turn myself in and I will --

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1 we'd get married and ...

11:02:19 2 Q. Did you marry her, Russell?

3 A. Yes, sir. Right when we got back to
4 Sulphur Springs -- about, like, a week after we got
5 back from Fort Worth to Sulphur Springs we got
6 married and I got a job at a saw mill and got her,
7 like, two months' rent on this little one-bedroom
8 house. Came back in. Used to be 90 days for your
9 parole violation -- you do 90 days and you get back
10 out again.

11:02:45 11 Q. Did you know that she was a Hispanic at the
12 time that you married her?

13 A. Yes, sir. Yes, sir.

11:02:49 14 Q. Okay. Did you have any problem with that?

15 A. No, sir.

11:02:51 16 Q. Okay. Let me ask you this: At the time
17 that you entered Beto I -- I want you to tell the
18 jury more about what it was like for a person that
19 went in there that had no tattoos at all or was not
20 affiliated with any other person's protection.

21 A. Well, it's obvious. If you go into Beto I,
22 everyone there had tattoos all over them, all over
23 their necks and their arms and their hands. And they
24 can spot that. Whenever the new guys come in that
25 don't have tattoos on him, you stick out; and they

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1 spot you real easily.

11:03:33 2 Q. And once you were spotted, I want you to
3 tell the jury what your options were. What are the
4 things that you could either do or not do to protect
5 yourself?

6 A. I don't know what you're talking about.

11:03:48 7 Q. Well --

8 A. I don't understand you.

11:03:50 9 Q. Well, what about your commissary?

10 A. Well, that's basically the same thing about
11 being checked. Whenever you get there, they --
12 whenever I got there, they put me on the wall on the
13 back; told me I couldn't sit down. I had to sit down
14 until someone approached me to get checked.

11:04:07 15 Q. Okay.

16 A. And if you don't fight back, then they take
17 you -- they consider that weak, and they take
18 everything you got.

11:04:13 19 Q. Okay.

20 A. Not only commissary. Everything.

11:04:17 21 Q. What about sexual contact if you're weak?

22 A. That's what I'm talking about. Your
23 commissary and everything. That's what I meant. And
24 whenever they get finished abusing you sexually, then
25 they use you for, I guess, a trading tool. They sell

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1 you -- basically sell you -- trade you for commissary
2 or cigarettes or whatever else they got of value to
3 someone else -- can give your so-called group or
4 clique. And the ones that checked you, you wouldn't
5 fight back; and it's, like -- I don't know how to
6 explain it. Whenever some new guy comes in, you
7 don't fight -- if he doesn't fight back, then you're
8 considered their property, "their" as in their clique
9 or their group because that's the only ones that was
10 trying to check you to see if you would fight.

11:05:12 11 Q. What does it mean to "stay down"?

12 A. More or less stand up and fight back
13 whenever they hit you. If you fight back, then
14 you're considering staying down. If you don't fight
15 back or swing back on them, then you're considered
16 their property.

11:05:28 17 Q. Okay. Now, after these experiences there
18 was some point in time that you started getting
19 tattoos. I want you to tell the jury about that.

20 A. I was there about -- well, after about --
21 can I go back a little bit before that? I was there
22 about -- on this second -- I would say at the end of
23 the second day I was still standing on the wall, and
24 nobody approached me. And two Spanish guys, one on
25 each side -- and they asked me if I wanted a ride or

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1 what was I going to do. And I told them I didn't
2 have very much money. I wasn't going to pay them
3 what I had; and if they was going to fight me, then
4 they needed to do it right there. And they didn't.
5 They just said, "Well, we'll see. We'll see."

6 So later on that evening I went and
7 sit down on the white bench -- what they call the
8 wood bench going to their heading there. And then
9 all the white people started going up -- "He sure is
10 brave not to sit down when we told him not to." And
11 I guess that's when they considered me -- they
12 considered me staying down because I took it on
13 myself to stay down.

11:06:40 14 Q. What is it considered, in the prison, to be
15 a wood?

16 A. That's the same as thing staying down. If
17 you're a white person it's called -- they consider it
18 wood. If you stay down and stand up whenever --
19 basically what I said. Whenever -- if you get
20 something taken from you and you find out who it is,
21 if you will go and try to get your stuff back, if
22 they can all start a fire or just a bunch of guys
23 telling them you want your stuff back, and that's
24 considered staying done. And that's what they
25 consider a white person being a wood, more or less;

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1 like a hard corps -- someone that is not going to
2 take nothing from anybody. Not only another race but
3 the officers as well.

11:07:24

4 Q. Okay. Now, at some point did you get tired
5 of the treatment; and were you approached by somebody
6 to join a group?

7 A. Yeah. I was there about three weeks. I
8 sat on the bench about two and a half, maybe three
9 weeks; and this guy Daniel Barker approached me. And
10 he wanted to know if I wanted to get involved with
11 the Confederate Knights of America. And I told him I
12 didn't want no type of in prison gang because I
13 thought like everyone says there's blood in, blood
14 out. That's what I told him, I'm not going to do
15 that because I don't want to get involved in no
16 prison gang -- killing nobody or hurting nobody.

17 And he explained to me that the
18 Confederate Knights of America was, like, a free
19 world organization. And he showed me this paper with
20 the letterhead which was what he -- made the patch --
21 where they talking about the patch. And he said that
22 there was a free world organization that wasn't
23 prison based and you didn't have to kill nobody. And
24 that's all he said.

11:08:29 25

Q. Okay.

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1 A. And so I told him, yeah, I would join that
2 because I didn't want to be sitting there -- a
3 sitting target with all these other groups of people.
4 Not only in that day room but everyone talks in
5 prison; and if they tell their friends or whoever I
6 would work with or go to school with -- when he's
7 sitting there on the bench and -- ignore him. He's
8 not in no gangs, no tattoos; and that leave me wide
9 open. So I took it on myself -- that's whenever I
10 took it on myself to tell Barker that I would -- I
11 would join up with the Confederate Knights of America
12 right there. And he only had two, King; and I was
13 the third person in the Confederate Knights of
14 America.

11:09:14 15 Q. Okay. Now, tell the jury how y'all went
16 about this big secret blood oath -- this big
17 formality that y'all went through. Tell them where
18 that occurred, Russell.

19 A. At Beto I.

11:09:26 20 Q. Yes, sir. Tell the jury how it happened.
21 Where did y'all go out to do this at?

22 A. After the papers were typed up -- I
23 honestly don't know who typed them up or where they
24 come from. Barker is the one that handed them to me
25 later on down the road, like, maybe six months or

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1 seven months after I had joined the Confederate
2 Knights of America. And he told me to pass them out
3 to everyone that's in no organization -- Confederate
4 Knights of America organization and had them cut
5 their thumb with a razor blood and put it on that
6 piece of paper after they sign their name to it. And
7 once all the papers were thumbprinted, they was to go
8 back to Barker.

11:10:09 9 Q. Okay.

10 A. And that's --

11:10:10 11 Q. Okay.

12 A. -- it.

11:10:12 13 Q. Did you cut your thumb with that razor
14 blade?

15 A. Yes, sir. I cut my left thumb and put the
16 blood on my thumb on the -- that's my right
17 thumbprint.

11:10:22 18 Q. Now, whenever you cut your thumb and you
19 placed -- on State's Exhibit No. 115 you cut your
20 thumb and put your thumbprint right there; is that
21 correct?

22 A. Yes, sir.

11:10:40 23 Q. I want you to tell the jury what was going
24 through your mind at this time. Were you swearing to
25 this and putting your thumbprint in blood to go

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1 out --

2 A. You say swearing to that. That's -- there
3 was -- we just read the paper. It wasn't like we
4 just did right here, raise your right hand and all
5 that.

11:10:58 6 Q. Okay.

7 A. I mean, it was a verbal agreement to us;
8 and, yes, the paper was read to us as our names were
9 signed on there and the thumbprint. But after
10 that -- after we had done that, it was just rolled up
11 and put into that folder that I got. No one was --
12 had seen that until it got confiscated when they
13 shook my cell down because that folder that Barker
14 had left me whenever he left.

11:11:22 15 Q. At the time that you executed this document
16 was it your desire to go out and hurt people of the
17 opposite race?

18 A. No, sir.

11:11:28 19 Q. Okay. Did that ever become your desire,
20 Russell?

21 A. No, sir. And to be honest with you -- I
22 don't know what I'm trying to say.

11:11:44 23 Q. Take your time and say it.

24 A. Basically all -- all that -- that wasn't
25 even really -- I wasn't even consider -- I wouldn't

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1 consider it even an organization. It was just, like,
2 a group of guys that didn't want to get associated
3 with the Aryan Brotherhood or the Aryan Circles. So
4 they could more or less have -- like that man said,
5 the cliques or whatever. Small group it's called.

11:12:12 6 Q. Why did you not want to become associated
7 with the gangs?

8 A. I told you that, because I didn't want to
9 do anything to get into it because I always heard the
10 same thing they was saying, you have to kill someone
11 to get in and have to kill someone to get out. I was
12 just there on parole violation. I thought I would
13 just be there for 90 days. I didn't want to get
14 involved in no gang organization because I was trying
15 to get out.

11:12:39 16 Q. Other than hurting yourself when you cut
17 your thumb to get the blood, did you hurt anybody to
18 join this little clique?

19 A. No, sir. You didn't. There was -- only
20 thing you had to do -- Barker asked you if you had
21 anybody black or -- Mexicans in your family or if you
22 had married any or does your family have anybody in
23 their family like that.

11:13:02 24 Q. And what did you --

25 A. And that was just basically -- all the

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1 questions that he ask -- there wasn't no initiation,
2 like you just said.

11:13:10 3 Q. Okay. And, in fact, you had married a
4 Hispanic, had you not?

5 A. Yes, sir. And I didn't -- I was more or
6 less confused because I didn't want them to find out
7 about it.

11:13:18 8 Q. Did they know that you had married a
9 Hispanic?

10 A. No.

11:13:23 11 Q. Okay. You didn't tell them, did you?

12 A. I wasn't about to tell them because I -- I
13 would be left out.

11:13:30 14 Q. Now, there's been a lot of testimony about
15 how proud you are of sporting your ink and doing all
16 these things. Where do most gang members, whatever
17 group they're associated with -- Mexican Mafia,
18 Crips, Bloods, Texas Syndicate, whatever group you
19 can imagine. Where do most gangs sport their patch?

20 A. On their side right there where I've got
21 that "death before dishonor."

11:14:00 22 Q. Okay. Now, is this patch right here -- is
23 that the main patch of the organization?

24 A. That is. It's what they consider the patch
25 and what we considered the patch. It's not just

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1 them. It's the Confederate Knights of America --
2 that is a patch -- what they call it. Consider it in
3 prison, a patch.

11:14:19 4 Q. Now, explain to this jury why your patch is
5 on, I believe, the -- would it be the inside of your
6 right arm here?

7 A. My right arm.

11:14:28 8 Q. Would you tell the jury why you got your
9 patch placed in that location?

10 A. I wanted to join the organization. I came
11 out like that, but I didn't want to -- I didn't want
12 that showing because I didn't want other people to
13 see that I had a tattoo like that. And I -- to -- in
14 my cell there was a black guy, and I didn't want kind
15 of a racial tattoo showing because I could be asleep
16 or even using the bathroom and you can see that. And
17 it was Beto I where a lot of people got a lot of time
18 and they're not afraid to hurt you and I didn't want
19 them to sneak up on me and kill me.

11:15:11 20 Q. Okay. Now, as far -- you just told the
21 jury that you had a black cellmate; is that correct?

22 A. Yes, sir. I had three of them to be exact,
23 there at Beto I -- from 94 to '97 I had --

11:15:25 24 Q. Did you have any --

25 A. -- three black cellmates.

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.11:15:28 1 Q. Whenever you went to Beto I, did you fill
2 out a request or a document that said, at that point
3 in time, that you did not want to live with anybody
4 of a different race?

5 A. Yes, sir. They typed it up. I don't know
6 who was typing this paperwork or where Barker was
7 getting it. But he had it typed up --

11:15:52 8 Q. Wait. Let me stop you right there. I
9 think that you misunderstood. When you first got to
10 the Beto Unit, did you -- you said you've had three
11 black cellmates at Beto.

12 A. Yes, sir.

11:16:03 13 Q. Now, whenever you first got there, you
14 didn't have a problem with that, did you?

15 A. With what? Having a black cellmate?

11:16:09 16 Q. Yes, sir.

17 A. No, sir. I still hadn't -- I don't have a
18 problem living with nobody.

11:16:13 19 Q. Okay. Well, at some point after you had
20 three cellmates then there was this document that's
21 been introduced into evidence saying that you didn't
22 want to live with them; you believed it was
23 religiously incorrect to live with members of the
24 opposite race. Want you to tell this jury how you
25 feel about that and how you felt about it at the

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1 time.

2 A. I don't understand what you're saying, how
3 I felt about it.

11:16:37 4 Q. Yes, sir.

5 A. Whenever I turned that paper in?

11:16:40 6 Q. Yes, sir.

7 A. Everyone else was turning them in so if I
8 didn't turn one in, then I would be, like, the
9 oddball and they'd start to wonder if I was really
10 like the rest of them. And I didn't want -- I
11 guess -- I don't know what answer you're looking for.
12 That's the best I can tell you right there. I didn't
13 want to be, again, left out.

11:17:03 14 Q. Russell, what I'm asking you is: Did you
15 fill that piece of paperwork out and sign it because
16 you hated black people?

17 A. No. I filled it -- I hadn't filled it out.
18 I signed my name to it, that's all I done, when they
19 handed it to me. I believe everyone that turned it
20 in that same saying all over their papers only
21 thing -- I read it, yes, and I signed my name to it
22 because everyone else was doing it. That's the only
23 thing I can tell you.

11:17:33 24 Q. Okay. In the penitentiary were you a
25 leader or were you a follower?

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1 A. I was trying to fit in. That's what I
2 done. I just fit in so I could make it out of there
3 alive.

11:17:45 4 Q. Okay.

5 A. That's all I could tell you.

11:17:47 6 Q. Who --

7 A. I tried -- they tried -- I was into the
8 leadership, yes -- I was -- but nobody would listen
9 as soon as Barker left there, the Confederate Knights
10 of America. The next one in the link was supposed to
11 take over and everyone was supposed to follow
12 their -- the way they wanted the rank. And it was,
13 like, every week we went out to the rec yard and
14 everyone on that north or south side -- on that side
15 of the prison they all gathered out there, like, one
16 time a week, all the Confederate Knights of America.
17 And when Barker left, everyone -- all the other
18 guys -- five or six or seven other guys that was
19 there -- they all said, "Well, no, we don't think
20 it's going to be run this way. It's going to be run
21 this way." I told them that the rules say next one
22 in charge is the one that was supposed to take over
23 the Confederate Knights of America, and they wanted
24 to run it their way. I told them that it wasn't
25 going to be run their way. Then they say, well, they

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1 would just go cover their tattoos up in their own
2 unit. I guess more or less it split up. There was
3 no more meetings after -- about the third week after
4 Barker left --

11:18:57 5 Q. Let me stop you --

6 A. -- to my knowledge, but they went on the
7 north side. I was on the south side when all this
8 happened, and they went on the other end of the
9 prison -- the guys that want to run it their way, and
10 that's where they stuck King in there. I didn't
11 even --

11:19:09 12 Q. Let me stop you right there. We're going
13 to go through this real slow, and we're going to get
14 to all that.

15 After you signed this document saying
16 that you're going to be a part of it -- how long
17 after that did Daniel Barker leave, that you can
18 recall? The best of your memory.

19 A. I can't remember. I know right after
20 that -- that fight I was in -- that riot I was in,
21 that's when Barker left. Probably about -- within a
22 week after that riot because I remember he used to be
23 right across the hallway. He seen the riot going on,
24 and before I could even -- we could -- me and him
25 could even talk about what happened on the -- why

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1 that riot was going on, then they shipped him from
2 Beto I; and I believe he went to the Hobby Unit --

11:19:57 3 Q. Just a guess --

4 A. -- which is another prison unit. Whenever
5 that riot went on, that's when Barker left.

11:20:05 6 Q. Okay. About how long -- the best of your
7 memory, how long would it have been from the time you
8 signed that document until the time Barker left? Was
9 it a year, two years, three years?

10 A. I don't know.

11:20:12 11 Q. Okay.

12 A. Does that have a date on it, that document?

11:20:18 13 Q. I don't know if it does or not.

14 A. I'm sure it --

11:20:22 15 Q. Says --

16 A. Should have been somewhere around the first
17 of '95.

11:20:27 18 Q. Says April the 1st of '95. Okay?

19 A. Then that riot was, like, at the end of
20 '95 -- like maybe six or seven months later.

11:20:35 21 Q. Okay.

22 A. I guess. I'm guessing. You would have to
23 check the dates on the riot and compare it to that.

11:20:41 24 Q. That's fine.

25 Now, when Barker leaves -- there's

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1 been a brown folder that's been introduced into
2 evidence that was the secret documents of the CKA.

3 A. Yes, sir. That's true.

11:20:51 4 Q. Was that delivered to you?

5 A. Yes, sir, it was.

11:20:54 6 Q. What did you do with it?

7 A. I put it in my locker and kept it
8 underneath lock and key. And one time they sent me
9 to Galveston Medical Hospital, and I left that folder
10 with another guy name Jay Miller who was a
11 Confederate Knights of America. And whenever I got
12 back, he give it to me. Other than that I don't
13 believe that it even left my locker.

11:21:17 14 Q. Okay. Now, you're not going to tell this
15 jury that you knew how to run that organization, are
16 you?

17 A. I'm telling them I tried my best to do what
18 was, I guess, expected of me after Barker left. And
19 I went out there and told them, "Well, Barker just
20 left; and I'm --" I had no choice because I'm the
21 next one in line and this is -- I showed them the
22 papers about how everyone could have -- to do to get
23 rank and all that right there. And they said, "No.
24 We think you should to it this way and we think you
25 should do it that way." And nobody would listen.

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1 Everyone wanted to run it their way. So the decision
2 was that -- two or three of them said they would
3 cover their tattoos up right there -- in other words,
4 tattoo black all over their tattoos.

11:22:06 5 Q. In fact, your leadership in that
6 organization was challenged; is that correct? You
7 had to send off letters asking other people of how
8 you're supposed to run this group, did you not?

9 A. Yes, sir. I wrote Barker and asked him how
10 to run it because, like I said, they shipped him
11 unexpectedly. We didn't know where he went until
12 after he left the unit and more or less left me
13 stranded there without knowing how exactly to run it.

14 And I did -- yes, I wrote him and
15 asked him what I should do because I don't know. I
16 didn't know.

11:22:40 17 Q. About that point in time, Russell, to the
18 best of your memory, how many people were a part of
19 this CKA?

20 A. At one time -- in other words, how many
21 people was there at Beto I that was ...

11:22:52 22 Q. Yes, sir.

23 A. No more than 14 or 15. I would say about
24 13 -- 12, 14 -- maybe 14 at one time -- the most at
25 one time there at Beto I. Like I said, they had

1 people being shipped to other units and people making
2 parole or going to prerelease.

11:23:12 3 Q. And during your stay in the CKA, did you
4 ever kill anybody?

5 A. No, sir.

11:23:20 6 Q. Okay.

7 A. I never even -- like I said, I never even
8 had a fight until that riot; and the time before that
9 was at the Hilltop.

11:23:31 10 Q. Did this group go around the prison looking
11 for trouble?

12 A. No, sir.

11:23:34 13 Q. Did you try to create racial tension in the
14 unit?

15 A. No, sir.

11:23:39 16 Q. Okay.

17 A. Was just scribbled like this scribble right
18 here except when it was all whites and we didn't want
19 to be involved with the Aryan Circle and the ABT.
20 That's the fact why that Confederate Knights of
21 America.

11:23:56 22 Q. Okay. Now, you've been labeled as the
23 EC -- the exalted cyclops. Okay? Once this folder
24 was brought to you -- this brown folder with all
25 these secret documents in it -- how long did you have

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1 those in your possession before the CKA totally
2 disbanded at Beto I?

3 A. Not even a month. Like I said, Barker
4 left; and that's whenever I was handed the folder.

11:24:24 5 Q. So once --

6 A. Baker was the main one in charge. He was
7 supposed to -- that's the way we had it set up, the
8 main one in charge was responsible for holding that
9 information on all the lower guys.

11:24:42 10 Q. Okay. Now, as the exalted cyclops did you
11 ever recruit anybody in the free world to join the
12 CKA?

13 A. No, sir. That's -- you -- the -- all your
14 people -- all the people that come to Confederate
15 Knights of America was supposed to have been out of
16 TDC at that time -- had that prison unit, and it
17 was -- that's the reason they was organizing it so
18 that people in prison whenever they would get out
19 they would know who they could, you know, basically
20 trust. Not only that, they will know who done time
21 and who they was around basically, I guess is how you
22 would say it.

11:25:22 23 Q. Whenever you put "organized in prison to be
24 brought to the free world --"

25 A. That's what Barker -- that was his -- one

1 of his first statements that he told me and stressed
2 that throughout the whole time that I've known him.

11:25:36

3 Q. Okay.

4 A. And that's the reason why he said it was
5 organized in prison and that's why you had to get
6 tattoos so whenever -- if someone got out in '98 and
7 2002 -- if someone meet up on the streets in the free
8 world and they said that they was involved with the
9 Confederate Knights of America and that would be our
10 way to show -- for verification that they was
11 involved with the Confederate Knights of America,
12 because of that badge. Only way you could get that
13 patch is if you was involved with the Confederate
14 Knights of America --

11:26:11

15 Q. Was "organized in the prison to be brought
16 to the free world" y'all's logo to where, "Buddy,
17 when we get out of here, we're going to go do some
18 damage"?

19 A. No, sir. From my understanding that's what
20 Barker told us, that it was organized in prison to be
21 brought to the free world; and I guess we stressing
22 organized because he didn't want to be classified as
23 no gang or no violence group. That's why there was
24 no violence. It was just, like, a group, I guess,
25 like any other group. I mean, sure it had there --

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1 we had, like, the same point because of that
2 environment we was around because -- I don't know.
3 It just -- I guess you just have to be there.

11:26:58 4 Q. All right. Let me ask you this: At what
5 point in time did you meet Bill King?

6 A. Whenever he come down to the south end of
7 the prison. He was on the north side.

11:27:12 8 Q. Okay. Do you remember approximately what
9 year that would have been?

10 A. Right before he got in, right before I got
11 out. He was on the school wing, and -- I was on the
12 school wing first, and they brought him from the
13 north side to the south side because he enrolled in
14 school. And all the school people are on the south
15 side, on the good side. So they put him on the same
16 cell block as me, and that's whenever he showed me
17 his patch on the side and said that he was -- he got
18 into the Confederate Knights of America on the north
19 side.

11:27:42 20 Q. Did you recruit -- did you recruit him?

21 A. No, sir. I had never even heard Bill
22 King's name until I seen him there on that -- on that
23 wing -- the school wing.

11:27:52 24 Q. Did you school his young ass?

25 A. No, sir.

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11:27:55 1

Q. Okay.

2

A. I wrote that -- can I tell you why I wrote that?

3

11:27:59 4

Q. You bet.

5

A. I wrote that in his folder because he -- he handed me his folder and wanted me to sign something in his photo album. And I looked -- I didn't know what to sign in his photo album. I know I'd signed yearbooks before, but whenever you're around people with them thoughts -- I don't know how to say it. I had to, I guess, adapt to the people and write what they're thinking -- what I think that they're thinking.

14

So I was looking through there and seeing whatever everybody else wrote to get an idea of what to write in his photo album. And I didn't want to write nothing about -- about what them other guys was writing. That's why I said that about the --

20

Can you read what I wrote? I know I said "school your young ass," but --

21

11:28:58 22

Q. We can find it.

23

Did you -- let me just ask you this, Russell: In that letter did you intend that you were going to school his young ass on how to become a big

25

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1 gang member and go out and destroy people of the
2 opposite race?

3 A. No. That's way out of line. Schooling
4 him -- I guess schooling him is telling him -- I
5 never -- schooled him would be teach you something,
6 but --

11:29:27 7 Q. What were you --

8 A. -- I couldn't -- I couldn't teach him
9 nothing that -- he was way ahead of me as far as his
10 vocabulary and his thoughts and ideals. I mean, I
11 guess I was -- would just be like some -- a figure of
12 speech probably.

11:29:43 13 Q. Now, you said you met Mr. King shortly
14 before you got out.

15 A. Yes, sir.

11:29:48 16 Q. I take that to mean that from 1991 up until
17 that period of time, some four or five years, you
18 didn't even know who Bill King was, did you?

19 A. '91. I was at Beto I in '94 -- February of
20 '94 is when I got to Beto I.

11:30:04 21 Q. That's what I'm trying to find out. How
22 long did you know Bill King in the penitentiary?

23 A. Like I said, about the last, maybe, six
24 maybe seven months before. He -- he got out first --
25 Bill King got out first out of the Beto I unit, and

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1 I -- before he got out in six or seven months then I
2 took him -- I had a little black book. I write down
3 all the people that I associate with and TDC numbers
4 and their address where they're going to so whenever
5 we get out of prison, I guess, I would have someone
6 to talk to whenever I got out of prison since I
7 basically been jumping around all my life -- halfway
8 houses to institutions, I guess. Jails.

11:30:49 9 Q. As far as your family is concerned -- did
10 your family stay in close contact with you while you
11 were in the penitentiary?

12 A. At Beto I?

11:31:00 13 Q. Yes, sir.

14 A. I guess. My mom and my brothers -- my
15 brothers and sisters and they come and visit me and
16 wrote letters. And my mom -- she even brought my son
17 up there to Beto I; and I had to, I guess, look over
18 my shoulder and even cut the visits short.

11:31:25 19 Q. Why did you cut your visits short when your
20 son would come to visit?

21 A. Because I didn't want other people to see
22 me.

11:31:36 23 Q. Didn't want them to see you what?

24 A. They would ask me -- they would ask me -- I
25 guess they would ask me whose kid that was.

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11:31:50 1 Q. Okay. Was your true fear that your fellow
2 inmates would find out that you had married a
3 Hispanic?

4 A. Yes, sir. And I didn't want them -- like I
5 said, I didn't want them to hurt me.

11:32:04 6 Q. Now, at some point not too long after Bill
7 King gets out you get out of Beto I; is that correct?

8 A. Yes, sir.

11:32:15 9 Q. All right. Now, you had known Bill for
10 seven months. How long was it after you got out
11 until you talked to Bill King again?

12 A. I come in from my girlfriend's house -- me
13 and my girlfriend, we was just sitting around the
14 house. And I had a brown paper sack with all my TDC
15 letters and what people left me and just stuff from
16 TDC like the diploma or certificates and all the
17 schools I've been in and my address book, of course.
18 And I was looking through my address book and she was
19 looking through the rest of my TDC stuff and I
20 happened to run across John King's name.

11:32:57 21 Q. How long --

22 A. And I knew he had got out before me.
23 That's the reason I called him on the phone from
24 Tammy's house.

11:33:03 25 Q. How long had you been out of the

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1 penitentiary before you called Bill King? That's my
2 question.

3 A. I got out 9/5/97 and I called King about --
4 I would say around March -- March. That would be a
5 good estimate. February. I would say March.

11:33:23 6 Q. Was that --

7 A. March.

11:33:25 8 Q. Was that close to a year's time, six
9 months? How long was it.

10 A. I got out, I told you, 9/5/97. I remember
11 I got out that day, 9/5/97. And I would say in the
12 middle of March or the end of March is whenever I
13 called him because my birthday is in the middle of
14 March, and I didn't call him before my birthday. So
15 I would say around the end of March.

11:33:47 16 Q. And from September the 5th of '95 until
17 March y'all didn't have any contact at all?

18 A. No. I called him on the phone and he was
19 happy to hear from me and he give me his address
20 where I could write him a letter. And I told him I
21 would come see him. And he said he was fixing to get
22 married to Kylie Greeny, he got a baby on the way,
23 and he wanted me to come to their wedding. And I
24 told him I'm working right now -- I was working a
25 temporary job at Lowe's Construction -- or Lowe's

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1 Warehouse. Excuse me.

11:34:21 2 Q. Okay.

3 A. And I told him as soon as I got a day off I
4 would try to come up there; and if not, I would ask
5 my boss if I could get off to come for his wedding.
6 And nothing else was said.

11:34:33 7 Q. Okay. At some point you made the decision
8 to go to Jasper, Texas. Had you ever been to Jasper
9 before that time?

10 A. No, sir. And I wasn't even expecting to
11 go, to tell you the truth, because it was -- the way
12 he was explaining to me it was around Houston and I
13 live around Dallas --

11:34:46 14 Q. Okay.

15 A. -- and that just seems like a long way.

11:34:48 16 Q. Did you get a check from your job and buy a
17 bus ticket and go to Jasper, Texas?

18 A. Yes, sir. I had, like, \$150 for, like,
19 three maybe four days of work through this temporary
20 service.

11:35:05 21 Q. What were you going to Jasper for?

22 A. Because me and my girlfriend -- we would
23 always argue. When I got out on 9/5/97 and about
24 the -- a month later I had -- I had got a job right
25 when I got out at this barracks metal company and I

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1 saved up and my mom and my sister helped me out --
2 loaned me some money so I could rent me a trailer
3 house -- and rent me a trailer and got a phone and
4 all that. And then I met my girlfriend about the
5 tenth month of '97. And that's whenever -- I met her
6 and she had her own trailer house in what they call
7 Como, Texas, 8 miles out of Sulphur Springs which --
8 her mom brought her that trailer house. She didn't
9 have to pay rent. And I was working, like I said, at
10 that metal company running a furnace and melting
11 aluminum down. And it was an outside job and it was,
12 like, always out in the weather. And winter rolled
13 around, like the first of the year, I think it was I
14 quit because it was outside and it was cold and all
15 that and I knew I could get me a better job that
16 wasn't as long as hours because they had us working,
17 like, 56 hours a week for \$300 salary and to me it
18 just wasn't worth it, standing all them hours outside
19 around the cold. And not only the cold but working
20 aluminum metal. It's just a dirty job.

21 So anyway, I quit my job and I got
22 behind on my rent on my trailer house. She said I
23 could move in with her. So I moved in with my
24 girlfriend now. And living with her -- she was
25 working at this convenience store, and I used to go

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1 pick her up every day from work. And she -- she's
2 always talking to that -- like, other guys; and I --
3 I get mad sometimes, and I'd just leave. I had my
4 own car -- my dad give me a car so I could go to work
5 and visit my son, take him back to Sulphur Springs on
6 the weekends. I had my car at Tammy's house; and
7 every time I would get mad at her for, I guess --
8 because I would see her talking to other guys, and I
9 would leave and go to Dallas or over to my cousin's
10 house there in Sulphur Springs for two or three days.
11 And I would go back and she was happy to see me; and
12 we was back to normal again for, like, another three
13 or four weeks. And I'd get jealous again when I'd
14 see her talking to people.

11:37:47 15 Q. When you got jealous, did you hit her?

16 A. No, I didn't hit her. I just got in my car
17 and left -- would leave.

11:37:54 18 Q. Okay.

19 A. I wouldn't tell her bye or nothing. I
20 wouldn't even pack my clothes or nothing. I would
21 just leave.

11:38:02 22 Q. Let me ask you this: Did you go to Jasper,
23 Texas, in furtherance of the CKA or the Ku Klux Klan
24 to try to form an organization in Jasper, Texas?

25 A. No. The reason I went to Jasper is because

1 me and my girlfriend got into it. But before we got
2 into it, I -- like -- I would say, maybe a week or
3 maybe two weeks before then I had wrecked my car and
4 totalled it out so I didn't have no transportation.
5 I was at Tammy's house. I guess I was stranded. I
6 was having to use her car to go to work at a
7 temporary service, and I felt she was using that -- I
8 felt tied down because she was limiting my movements.
9 And we got into a good argument and I told her I
10 wanted to leave and she took me to the bus station --
11 took me to get my three-day check for \$150 and took
12 me to the bus station. I told her I was going to
13 Jasper with that \$150 and I would go down there and I
14 would be back.

11:39:03 15 Q. How long did you plan on staying in Jasper?

16 A. I guess just like normal time when I went
17 to Dallas, for two or three days. I think mainly the
18 most I been gone from Tammy would be, like, a week --
19 maybe a week and a half up there in Dallas. I have a
20 cousin that stays up there in Dallas.

11:39:21 21 Q. Now, from that 150-dollar paycheck how much
22 did you spend on a bus ticket?

23 A. Somewhere around 60, \$65 for a one way from
24 Sulphur Springs -- and it didn't even go -- it went
25 to Beaumont. I had to call them on the phone from

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1 Beaumont to come pick me up.

11:39:39 2 Q. Okay.

3 A. And they didn't even know when I was
4 coming, though. And I called from the pay phone in
5 Beaumont bus station and they was surprised and
6 really didn't believe me. He said, "Well, hang on.
7 We'll go get ready and go down there." About two
8 hours -- maybe two and a half hours later here comes
9 a red Bronco, Cherokee, whatever Berry was driving,
10 and King; and they showed up. And they put two boxes
11 and a blue plastic container in the back of their --
12 whatever that was, a Cherokee; and we went from there
13 to King's apartment in Jasper.

14 And on the way over there Berry and
15 King was saying, "Memorial Day weekend is coming up.
16 What do you want to do?" I said, "Well, whatever
17 man. I'm just here for a few days." So they made
18 the decision to go down to Galveston -- or Crystal
19 Beach in Galveston -- Galveston somewhere around the
20 beach for the Memorial Day weekend. So I said, "All
21 right." So I went with them.

11:40:48 22 Q. Did you wind up spending the rest of the
23 money you had where you couldn't afford a bus ticket
24 back to Sulphur Springs?

25 A. No. Actually Tammy took me to my cousin's

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1 house in Sulphur Springs and -- like, an hour or two
2 hours before the bus left Sulphur Springs going to
3 Beaumont. And he told me -- he's the one that told
4 me to put back enough money in my billfold -- to hide
5 in my billfold so if anything happened I would always
6 have --

11:41:20 7 Q. Were you on parole at that time, Russell?

8 A. Yeah.

11:41:26 9 Q. Were you supposed to leave the State of
10 Louisiana without permission from your parole
11 officer?

12 A. The state of Texas.

11:41:35 13 Q. I mean -- I'm sorry. Yeah.

14 A. They let you go anywhere you want to. You
15 just can't leave the state without their permission.

11:41:43 16 Q. Now, on your way back from Beaumont to
17 Jasper, Texas, did y'all stop at a convenience store;
18 or do you recall?

19 A. On our way back from Beaumont to where?

11:41:58 20 Q. To Jasper. Did y'all stop at a convenience
21 store there in Jasper?

22 A. I'm sure we did. I mean --

11:42:06 23 Q. Do you remember seeing that fellow Johnny
24 that came in here and testified?

25 A. Yes, sir.

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11:42:13 1 Q. That said --

2 A. That wasn't -- that might have been when we
3 was going -- like, two days after I got there, that's
4 when we went to Crystal Beach island.

11:42:23 5 Q. I want you to tell the jury about the
6 contact that you had with Johnny -- first of all, do
7 you have any tattoos on your back?

8 A. Yes, sir. The eagle -- the Harley Davidson
9 eagle.

11:42:32 10 Q. Okay. Does Mr. King have tattoos on his
11 back?

12 A. I think he's got one that has that orange
13 sunset with that eagle on him.

11:42:42 14 Q. Does he have near as many as you do on his
15 back?

16 A. No. He don't have no big ones. That's
17 like what they call a back piece. Big majority.

11:42:50 18 Q. I want you to tell the jury about your
19 dealings with Johnny.

20 A. And that's the store man?

11:42:57 21 Q. That's the fellow that said you referred to
22 him as a "MF."

23 A. I don't recall that, but I'll tell you
24 what -- my version of it that -- yeah, when me and
25 King went in there without our shirts on to get

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1 cigarettes to take us from Jasper all the way to
2 Galveston Island. And Berry -- Louis Berry, not
3 Shawn Berry -- Louis Berry, he was with us. And we
4 was all using the bathroom, but only one person at a
5 time could go in there so we was taking turns. And I
6 think we showed him our tattoos. Wasn't like we was
7 bragging. As a matter of fact, King is the one who
8 said, "Come here and show him your tattoos." But it
9 wasn't showing him -- wasn't expressing him -- like
10 showing him your patch. It was like, "show him the
11 rest of them, the skulls and everything else."

11:43:45 12 Q. Did you cuss the man, Russell?

13 A. No, not as far as I can remember. I
14 don't -- I wouldn't see why I would just out of the
15 blue cuss that man.

11:43:57 16 Q. Okay.

17 A. Especially with all them tattoos on me and
18 then a small town -- I knew Jasper was small like the
19 town I grew up in, and Cooper and Klondike, Texas.

11:44:07 20 Q. Speaking of out of the blue do you recall
21 the Sulphur Springs police officer that came in here
22 and said that you just blurted out that --

23 A. I don't remember that, also; but I do
24 remember getting pulled over.

11:44:21 25 Q. Okay. Tell the jury about that incident.

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11:45:48 1

Q. As far as the diagnostic center -- do you remember going there?

2

A. Yes, sir.

3

11:45:54 4

Q. Okay. I'm just going to ask you this plain and simple. We're not going to spend a whole lot of time in this area. Did you tell that Mr. Moran or Moran who was in Cell No. 10 -- did you tell that fellow that you wish that you could go shoot all black people in the back of their head?

5

A. No, sir.

10

11:46:14 11

Q. Okay.

12

A. I did not say nothing to that guy. I don't even know who I was talking to because where they placed me in one cell I had never been way down there at the end of that ten cell because the shower was right next to me and that's where they showered me at. And, true, I was talking to someone that -- there was a white guy there -- there was, like, two or three Hispanics on the side of me and on down -- maybe one or two more cells there was this white guy that they showered in the shower closest to me. And that's how I knew there was a white guy. And we was talking through the vent but only because I recognized his voice. And then there may have been one day that that guy Moran talked, you know, out

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1 loud in one of the vents.

11:47:08 2 Q. Did you ever tell anybody that you wished
3 that you could shoot all black people in the back of
4 the head?

5 A. No.

11:47:13 6 Q. So whether it was -- whether it was Moran
7 or any of the other nine inmates that would have
8 separated you and his cells, you never made that
9 statement; is that correct?

10 A. Yes, sir.

11:47:26 11 Q. Okay.

12 A. I never made that statement and I cannot
13 even see myself making that statement through the
14 vent because I was the closest one -- being the ones
15 that are closest to the hallway where the officers
16 and general population inmates walk up and down.
17 From me all the way down on that whole cell block I
18 didn't know -- why -- I can't see myself even making
19 that statement because I knew that I was being
20 watched because of the crime that occurred.

11:47:56 21 Q. Okay.

22 A. I cannot see myself -- in Jasper jail. I
23 was sending kites up to King and letters.

11:48:12 24 Q. Why --

25 A. Why -- I wouldn't even say that to King

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1 in -- in a sealed-up letter. Why would I even say
2 that through the vent. I -- that's what he said, but
3 I can't see myself being in that position.

11:48:20 4 Q. The -- Moran had sent you a letter inviting
5 you to join an organization. You did send him a
6 letter back or a kite back --

7 A. Yes, sir.

11:48:32 8 Q. -- that says that you don't want to join
9 this organization at this time because of what's
10 going on. And what else did you say in that letter?
11 That you didn't want to say any --

12 A. I would get back with him after this
13 here -- I don't know if I said trial, but I said as
14 soon as all this was over with. I didn't want to say
15 nothing right now because I would be, you know, being
16 watched; and I didn't want to say nothing out of
17 line -- anything to jeopardize me from anybody or
18 whoever from being accused of anything.

11:49:11 19 Q. Okay. I'm going to show you another
20 portion of that particular kite, Russell. How often
21 did you refer to people of the African-American race
22 as the "N" word when you were writing your letters?

23 A. Not very often. I repeated what Shawn --
24 what I -- what -- my attorneys had shown me some --
25 Shawn made a statement on me and Bill King, and I may

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1 have -- may have quoted Shawn's words in his
2 statement; but other than that, my -- I have never
3 wrote no one saying that in my own words to anybody.
4 It was always -- always used the word -- words --
5 tobies or that one -- I wrote that letter to King. I
6 used the word spear chunker in there, and that -- we
7 wasn't even in prison. There was no means of
8 communication that was going to stop our letters, and
9 I still didn't use that "N" word writing to King.

11:50:18 10 Q. Are you proud of using those words?

11 A. No, sir.

11:50:21 12 Q. Are you proud of referring to people of the
13 African-American race the way that you referred to
14 them?

15 A. No, sir, I'm not proud; but you got to
16 realize where -- the way I was -- the past ten years,
17 you know, all the white people -- we don't -- that's
18 the way you just -- we just -- you hardly ever heard
19 the white people say the blacks or the Mexicans --
20 was always like the SAs or the tobies, stuff like
21 that. And then -- some people do use that word, yes;
22 but very -- very seldom have I even said that word
23 much less write it on paper like that. I don't --

11:51:04 24 Q. It's here. Okay?

25 A. It's there, but I still to this day -- like

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1 I told you -- I know you're telling me to say --
2 admit it because it's on that paper, but that is -- I
3 can't say that's -- I did not write that. That's
4 what I'm going to say.

11:51:19 5 Q. Okay.

6 A. I mean, it's on that paper and, yes, I
7 wrote the rest of that letter; but I did not put that
8 specific little statement there. And especially with
9 that backwards swastika. I mean, that would be the
10 only one -- that's where I learned that -- all them
11 swastikas. I never drew a backward swastika. That's
12 what makes that stand out to me because that thing is
13 backwards, and -- I don't know. I would say that
14 that guy sitting in his cell trying to scam up some
15 way to make copies or forgeries or whatever you call
16 that to put that on there.

11:51:55 17 Q. Okay. And is the reason you say that is
18 because you say in your letter that "I don't want to
19 say anything right now given the circumstances"?

20 A. I can't see that.

11:52:01 21 Q. Well, it's in your letter. Okay?

22 A. I would imagine -- I mean, like I told you,
23 I was -- that I wasn't even of that nature right
24 there saying death to all -- no. And especially to a
25 Spanish guy, why would I -- you know, I'm not the

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1 smartest guy in the world; but I ain't fixing to
2 write white power and a swastika to no one except for
3 a white person. That's like saying I wrote that to a
4 black guy. Why would I do that?

11:52:33 5 Q. Let me just ask you -- and, you know, I'm
6 not going to debate whether you wrote it or not. The
7 question is: Do you feel that way?

8 A. No, I don't feel that way; and I didn't --
9 I don't see how you can even say that I would feel
10 that way when I wrote that letter, though.

11:52:47 11 Q. If you go through all of the hundreds and
12 hundreds and hundreds of letters that you wrote while
13 you were incarcerated in the penitentiary, how many
14 letters do you think that we would find where you
15 used the "N" word?

16 A. I would say -- you could count them on one
17 hand, probably on two fingers. I wouldn't say more
18 than three letters in my whole life have I ever used
19 that word; and if and when that I did use that word,
20 it was, like I said, from that statement I was
21 telling King -- that I had seen that Shawn had made a
22 statement. I was just quoting Shawn.

11:53:27 23 Q. Are you referring to State's Exhibit
24 No. 112? Would this be what you're referring to here
25 when you say ...

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1 A. Yes.

2 Q. Okay.

3 A. That's it. This -- this is the letter
4 right here that I -- that surprised me. I even used
5 it. But I quoted Shawn on there.

11:54:00 6 Q. How did you spell it in that letter?

7 A. You want me to say that?

11:54:05 8 Q. I want you to use the letters how you spell
9 that word.

10 A. Use the letters? Say the letters?

11:54:12 11 Q. Yeah, say the letters.

12 A. Says n-i-g-e-r.

11:54:17 13 Q. Okay. Now, I'm going to ask you
14 something -- this "T" right here sure looks a lot
15 like the "T"s you write.

16 A. I can't see that far.

11:54:28 17 Q. Mr. Stevens brought that out earlier about
18 how your "T"s are.

19 A. That's what he said, the "T"s and the "G"s.
20 Wasn't just the "T"s.

11:54:37 21 Q. Okay. Have you ever made a backward
22 swastika?

23 A. No, sir.

11:54:41 24 Q. And after you reviewed that document, did
25 the tone of the ink seem to change from the way --

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1 A. That's what I told you back there. I said
2 that that was a -- that's kind of funny, the rest of
3 the letter is in darker ink and in that specific
4 statement was, like, in a real light hand print, like
5 somebody was trying to trace over some more writing
6 of mine.

11:55:05 7 Q. And, in fact, I doubted you on that, didn't
8 I?

9 A. Yes. Told me not to deny it because they
10 wouldn't believe me because the rest of that letter
11 was in my handwriting.

11:55:12 12 Q. That's exactly what I told you. But do you
13 recall writing that?

14 A. I recall writing the letter because the guy
15 sent me a letter saying he wanted me to join his
16 organization that could -- called the inmates against
17 corrupt officers, and I shot him -- I sent him that
18 letter saying that I could not join nothing -- could
19 you read the letter that I had?

11:55:39 20 Q. I don't want to read the whole letter. But
21 look at your handwriting here. Is this what had you
22 somewhat confused when you look at how dark and hard
23 you had written here versus how light and how that's
24 written? Is that what had you confused?

25 A. I had never seen -- why is that scratched

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1 out?

11:55:55

2 Q. I don't know.

3 A. Was there something said there?

11:55:59

4 Q. I don't know. What I'm talking about,
5 Russell, is this right over here. (Indicating) You
6 wanted an opportunity to explain that.

7 A. That's what I'm explaining. That -- one or
8 two letters does look exactly like my handwriting in
9 that but not all of that. Like I said, that is -- I
10 can't believe that even -- guy -- whoever done --
11 would have done that would even think that I was
12 that -- I don't know the words -- to put that on a
13 piece of paper like that with that information saying
14 that I didn't want to talk about the case.

11:56:36

15 Q. Let me --

16 A. Like I said, that guy -- why would I --
17 that's -- like I said, that Spanish guy; and I only
18 write letters like that to other white -- that's not
19 a white person.

11:56:49

20 Q. Let me ask you this -- and we're going to
21 get through this. You don't want your credibility to
22 this jury judged on whether or not you wrote that, do
23 you?

24 A. I don't know what you're saying.

11:57:02

25 Q. You wanted the opportunity to tell the jury

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1 what you thought about that.

2 A. That's definitely -- that was my only
3 problem right there, that one letter -- that's got
4 that backward deal on that there. Swastika.

11:57:13 5 Q. And we've gone through thousands of pages
6 of documents, and that is the one thing that you
7 pointed out to us; is that correct?

8 A. Yes, that's it.

11:57:21 9 Q. Now, I'm going to go through some of these
10 letters with you. I'm not going to go through all
11 that many. And --

12 THE COURT: We're going to go ahead
13 and stop at this point. Go ahead and step down and
14 return to your seat.

15 Everyone else remain seated, and we're
16 going to recess until 1:20. Members of the jury, you
17 may retire to the jury room.

18 Recess until 1:20.

19 (Lunch recess)

20 MR. WALKER: May I proceed, Judge?

21 THE COURT: Yes.

01:17:43 22 Q. (BY MR. WALKER) Mr. Brewer, when we left
23 before the break, we started to get into these
24 letters. Want to go back real quick and talk about
25 another tattoo that you had on your body. It would

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1 be the tattoo that, I believe, would be right to the
2 right of your chin down towards your chest above your
3 nipple on your breast; is that correct?

4 A. Yes, sir.

01:18:04

5 Q. Would you tell the jury about that one?
6 Tell them what it is.

7 A. It was a picture of this -- she was a
8 preacher -- it was -- ever since I remember -- as
9 long as I can remember it -- whenever I was little
10 and growing up we always went to this same church.
11 And she was a preacher there; and she died, like, in
12 '92 -- somewhere around '92, '93 she passed away.
13 And more or less she looked after us when my dad was
14 in the Army. She always brought, like, food and --
15 from her garden over and clothes for us because my
16 dad was in the Army overseas and mom was raising us
17 by herself.

18 And anyway, she had passed away; and
19 whenever I was at Beto I, my mom sent me, like, a
20 newspaper clipping that she -- obituaries, and her
21 picture was in there. Took it to my tattoo artist
22 and asked him if he could tattoo her portrait on me.
23 That's the reason I got it right there.

01:19:26

24 Q. Why do you have it in that location?

25 A. Basically so every time whenever I looked

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1 in the mirror I could see how she's always -- I guess
2 she's always -- I'm always thinking about it, but it
3 was, like, a reminder -- I guess to remind me of her.
4 I guess.

01:19:54 5 Q. Now, want to go through --

6 MR. WALKER: Judge, can I approach
7 him?

01:19:59 8 Q. Want to go through some of these letters
9 that's introduced into evidence. I want to ask you
10 to talk about these. As we've discussed, there are
11 hundreds of these letters, are there not?

12 A. Somewhere around there.

01:20:12 13 Q. Okay. Now, what I want to do, Russell, is
14 I just want to take -- we're just going to deal with
15 the portion that the State read to this jury. We're
16 not going to go through the entire letter. But what
17 I would like you to do is -- I'm going to read this
18 to you and then I want you to tell the jury what you
19 meant when you wrote this. "GREETINGS ONCE MORE BRO!
20 YOU KNOW IVE BEEN THINKING A LOT LATELY -- & TO MAKE
21 A LONG STORY SHORT -- ON MY SKIN & PATCH PATCH BRO
22 THE ONLY SAFE & SURE WAY TO WIN THIS HOE. IS FOR 1
23 OF US TO GO DOWN WITH THE PERPETRATER."

24 Who was the perpetrator in this
25 letter?

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1 A. Shawn.

01:20:52 2 Q. Who?

3 A. I would say Shawn.

01:20:55 4 Q. Okay. "ON MY 'SCALES' YOUR THE YOUNGEST
5 (PLUS A BIG PLUS) 90 % CHANCE OF A YOUNGSTER HEADIN
6 TO EARTH. THERES A LITTLE MORE TO IT, BUT THATS THE
7 MAIN COURSE CUT SHORT BRO."

8 What does that mean? Are you talking
9 to Bill King in that letter?

10 A. Yes, because his girlfriend Kylie was
11 pregnant -- fixing to have his baby. He didn't even
12 know I had a son. He didn't realize I was married.

01:21:26 13 Q. What are you telling Bill there?

14 A. I'm telling him that I'm fixing to take the
15 blame with Berry to cover for him so he wouldn't be
16 charged with this.

01:21:34 17 Q. Okay. "IM NOT GOIN TO TELL OR SIGN
18 ANYTHING WITH LAWYER UNTIL I SHOOT ANOTHER" -- SORRY.
19 "...UNTIL I SHOOT YOU ANOTHER KITE FIRST." Why would
20 you -- Mr. Barlow and I wasn't your attorney at that
21 time, were we?

22 A. Bill Moran out of Jasper.

01:21:55 23 Q. Okay. What were -- Why did you tell him
24 I'm not going to sign anything or talk to anybody
25 until I shoot you another kite first?

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1 A. So we could get our stories straight on how
2 I was going to cover for him and everything. And
3 that was before the evidence was in --

01:22:07

4 Q. You didn't --

5 A. -- even brought into play.

01:22:10

6 Q. You didn't have anything in your possession
7 at that time, as far as documents to look at?

8 A. No, because they were still being
9 considered a murder case because it hadn't made it to
10 capital murder, the indictments.

01:22:23

11 Q. Okay. Now, "the reason for this is --"
12 Louis and Courtney in parens with "witness" written
13 across the top -- "was there at the apts. when we all
14 went in & Shawn" -- underlined Shawn "was braggin
15 about a toby being killed & that was his meat." Tell
16 this jury exactly what that was about.

17 A. Well, we had -- we had stole some meat
18 and -- a large quantity.

01:22:52

19 Q. Let me stop you right there. Was this
20 prior to June the 7th, 1998?

21 A. A couple days before -- two or three days
22 before.

01:23:01

23 Q. Go ahead.

24 A. We stole all this meat from this
25 restaurant; and we -- King, and Berry -- Shawn Berry

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1 and Louis Berry and Courtney was at home asleep, and
2 we stole the meat and took it back to the apartment.
3 Courtney was wondering -- Louis Berry was wondering,
4 too, where we had just come up with all this meat all
5 of a sudden. And Shawn was turning it over --
6 frying -- I don't know what kind of meat he was
7 cooking at the front of the skillet there, but he
8 made the reply that we had -- we as me -- Bill and
9 Shawn had just killed -- I think he used that word.

01:23:42 10 Q. Go ahead.

11 A. And he said that we had just killed him and
12 that was his meat that we was eating. And Courtney
13 said, "No, y'all didn't. No, y'all didn't." And he
14 pretty much -- nothing was said after that, but that
15 was his reply on where the meat had come from he was
16 cooking.

01:24:01 17 Q. Now, that was prior to June the 7th;
18 correct?

19 A. Yes. Two or three days before.

01:24:07 20 Q. Okay. Now, this letter wasn't written --

21 A. Right. Two days before because all the
22 meat that we had stolen wouldn't fit in the icebox.
23 So we took it to Tommy Faulk's house, and he said he
24 didn't want it there because he didn't want to be in
25 trouble with the law. So that's when we decided we

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1 would cook it out the next day at the lake.

:24:30

2 Q. Is that the meat that was used for this
3 barbecue we've been talking about?

4 A. Yes. But the freezer -- Bill had put
5 everything in the freezer, so much the freezer would
6 hardly shut. And we had a good two coolers full of
7 meat left and we didn't know where to put it so
8 that's the reason we took it to Tommy Faulk's house.
9 And he didn't want the meat there because he didn't
10 want no trouble with the police.

01:24:54

11 Q. Okay. To continue on with State's Exhibit
12 111, don't worry about nothing bro -- that's what
13 true friends are for. Remember always organized in
14 prison only to be brought to the world. Now me and
15 you -- now we -- me and you in parens -- see now a
16 member is lost on the same hand, though, it almost
17 was two lost when in all actuality it shouldn't have
18 been none. What does that mean?

19 A. It means that -- basically that -- I
20 figured that somebody, me or Bill, was going to be --
21 have to take the blame for Shawn and -- and really in
22 the long run that both of us -- me and King was going
23 to be charged with it, too, because of our tattoos
24 and our past prison record.

01:25:45

25 Q. Then you go on to say, "IM NOT PISSED OR

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1 HOLDIN NOTHING OVER YOUR HEAD BRO -- THIS IS JUST
2 HISTORY IN THE MAKIN." What were you not pissed or
3 holding anything over Bill's head about, if you
4 remember?

5 A. I don't remember.

01:26:04

6 Q. Then you put, "88! LET THE GAMES BEGIN!!"
7 What does let the games begin --

8 A. Means to make up your mind on what you're
9 going to say to get you clear of the charge, but
10 that's -- before you turn that page, can I make a
11 comment?

01:26:21

12 Q. Sure can.

13 A. On this -- right here where it says on my
14 skin and on my pects?

01:26:28

15 Q. Yes.

16 A. Would you -- can I explain -- tell them
17 what that means?

18 On my skin -- the way that I was
19 taught or the way it was brought to me in Beto I that
20 instead of, like, saying you swear to God or on
21 the -- you know, you promise on the Bible, then --
22 that's how the white people said it, that it was on
23 the skin. If you put something on your skin, that's
24 the same thing; but -- I don't know really how to
25 explain it. It's -- that's supposed to be the most

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1 important thing to -- to you, is your white skin; and
2 other than that if you got a patch, then that's
3 supposed to be, like -- if someone -- you think
4 someone is lying to you, you say, "Put it on your
5 patch." And if they say, "I put it on the patch,"
6 that's the truth then -- that's supposed to be their
7 way of saying that's honest truth because you're
8 supposed to -- they try to tell you that if you
9 believe in God and -- it's like a weakness; and if
10 you show weakness, then you're pushed away from that
11 little crowd you're with and left wide open for
12 everybody else. It's the way it was.

01:27:53 13 Q. Okay. Let's move on to State's Exhibit
14 No. 113. And let me read this portion to you of
15 that, "HE WANTED TO KNOW IF WE WERE GOIN TO RELOCATE
16 FOR A FAIR TRIAL. & I TOLD HIM THE TRUTH 'IN MY
17 EYES' IT DIDN'T MATTER WHERE WE WENT THE MEDIA HAS
18 DONE BRAIN WASHED THE SYSTEM & PUBLIC TO BLIND THEM
19 OF WHAT HAS REALLY TAKEN PLACE. THAT'S WHEN HE CAME
20 BACK WITH ALONG WITH YOUR BERRY ASSOCIATE BLEW MY
21 MIND BRO! ... ALL OVER AMERICA. I JUST SMILED AT HIM
22 & TOLD HIM I CANT SAY I HAVENT LIVED THE AMERICAN
23 DREAM." What does that mean?

24 A. That's a good question. I guess the
25 American dream, I mean.

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01:29:00 1 Q. Was the American dream referring to killing
2 someone?
3 A. No, sir. But you're not reading all of
4 that. I believe that's another one of them
5 statements I got out of a song or listened to on the
6 radio.

01:29:12 7 Q. I'm going to continue to read it, I lived
8 hard and I'm going to die young and I damn sure am
9 going to leave a beautiful memory. What's that a
10 part of?
11 A. That's -- like I said, if you say all them
12 three words together that is a song -- like an old
13 country and western song that was played on the
14 radio.

01:29:39 15 Q. "He liked that one before -- he" -- I think
16 jailer -- "came & got me his last words was do you
17 think they will find you guilty? My reply was right
18 now me & King have a 70 % chance its" -- is that SB?
19 It's his words against Shawn -- or something. Words.
20 A. It's our words.

01:30:08 21 Q. Okay. "its our words against Shawn Berys
22 be for real" --
23 A. Be something about the fingerprints on the
24 log chain. I know what this says.

01:30:19 25 Q. Okay. Tell the folks what you're talking

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1 about.

2 A. At the time that's all we thought -- me and
3 King thought that they had charging us with was the
4 chain -- you know, the fingerprints on the chain
5 because that's it. That's the only thing that I -- I
6 practically thought that that's all that they had
7 that had anything to link me or Bill with the crime.
8 We didn't know about the wallet and his watch and
9 lighter and all that stuff that was found out there.

01:30:51 10 Q. Okay. "I DO BELIEVE WE ARE BIGGER STARS OR
11 SHOULD I SAY HERO OF THE DAY HERO OF THE DAY THAN
12 WHAT WE EVER EXPECTED!!" And above that is
13 "METALICA"?

14 A. That's a Metallica song, both of them
15 are -- the hero of the day and that other one.

01:31:14 16 Q. Did you feel like you were a hero of the
17 day for being linked --

18 A. No. That don't have nothing -- a lot of my
19 writings I put songs that I've listened to on the
20 radio. I've always listened to the radio. I don't
21 read, I don't play sports or nothing. That's, like,
22 my pastime, listening to music.

01:31:33 23 Q. And in just about every letter you write do
24 you make some reference to a song?

25 A. Just about every letter, yes. Don't matter

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1 if it's to Bill King or my girlfriend or to whoever
2 I'm writing.

01:31:47

3 Q. "A LIFE SENTENCE WOOD DO US NO JUSTICE...
4 HELL COULD YOU IMAGINE THE NUMBER OF SET-OFFS WE WOOD
5 RECEIVE!" What does that mean?

6 A. When you come up for parole and they either
7 tell you that your parole is approved and you're soon
8 to go home or they deny it because of disciplinary
9 reasons or -- any reason they can deny parole and if
10 I -- could you read that again?

01:32:19

11 Q. Yeah.

12 A. If they allowed us in, they wouldn't -- in
13 my mind, I know that's -- that would keep getting me
14 shut-offs and that's what I was referring to because
15 a life sentence is basically the same thing.

01:32:37

16 Q. Then you go on to say, "I SAY WE FIGHT TO
17 THE VERY LAST BREATH OF AIR & LAST DROP OF BLOOD IS
18 LEFT IN US BRO FOR HISTORY'S SAKE." What does that
19 mean?

20 A. It means that we was going to try to defend
21 ourselves instead of just giving up and pleading
22 guilty before everything that was brought up they was
23 accusing us of was even evaluated.

01:33:14

24 Q. Were you, once again, boasting to King?

25 A. I don't know -- that's how people could

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1 consider it. I guess not a state or mentality. It's
2 just -- I don't know how to say it. Whoever I'm
3 around I'm sure whoever everyone else is around,
4 you're going to say the same thing or do the same
5 thing they were doing. I'm not -- I wasn't going to
6 write to King and tell him, "Well, let's tell like
7 Berry's telling" and get it all blamed on us.

01:33:49 8 Q. Okay.

9 A. You know.

01:33:50 10 Q. I'm going to Government's Exhibit 2AA.
11 This is the letter that you listened to everybody
12 else's interpretations about. Now I want yours. It
13 says, "ANY WAY NICK JASON 'RED ARM' WORKED IN THE
14 KITCHEN WITH ME AT A SEARCH TIME" and "ASK HIM IF HE
15 REMEMBERS WHEN WE WERE DISCUSSING MATTERS ON THE TIRE
16 HE WANTED TO ROLL THE HILL & WHAT I WANTED TO DO --
17 HA. WELL, I THE IT; AND" I'm "NO LONGER" -- and I
18 am -- I am no longer a virgin. "IT WAS A RUSH & IM
19 STILL LICKIN MY LIPS FOR MORE." Now, you wrote this?

20 A. Yes.

01:34:35 21 Q. What is that word, this --

22 A. No problem. I'll explain that. What I was
23 referring to there we was -- one time in prison --

01:34:41 24 Q. Hang on one second. What is this word that
25 you wrote that you scratched out?

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1 A. That's the word "vagina" because I didn't
2 want to use that word right there. (Indicating)

01:34:50 3 Q. What is that word that you scratched out?

4 A. P-u-s-s-y.

01:34:54 5 Q. Okay. What is the word above that?

6 A. Vagina.

01:34:57 7 Q. Okay. And then it says, just in case the
8 featherwood -- what is a featherwood?

9 A. It's -- a wood is a white male that's going
10 to stand up for itself. So a female -- a white
11 female is going to be considered a featherwood. And
12 I don't know if -- that's what they've always told me
13 a wood, and a featherwood is a white female.

01:35:22 14 Q. Do you call your girlfriend a featherwood?

15 A. On occasions. Not -- I don't think I ever
16 face to face, but in the letters I have wrote saying
17 that.

01:35:29 18 Q. Just in case the featherwood reads this no
19 disrespect to the lady folks. In parentheses
20 "eatin." Now, you wrote it. Tell these folks what
21 you meant by that.

22 A. We was working in the kitchen, me and this
23 guy named Jason; and we was sitting down on milk
24 crates taking a break and just talking, you know,
25 about everything that was going on in prison. And he

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1 was saying that his main goal or his dream whenever
2 he got out was to put a black guy inside a tractor
3 tire and roll him down a hill.

01:36:09 4 Q. And do what else?

5 A. And have it on a VCR machine on --

01:36:16 6 Q. Okay.

7 A. Filming it while it was going on. And I
8 told him that that -- he needed to be for real. And
9 then I told him my dream was to have -- to do that
10 right there, oral sex deal, because I had been locked
11 up, I don't know, most -- about eight or nine, ten
12 years -- somewhere in there. And I've had sex but
13 not like that. And everyone in prison is always
14 bragging about how they did it and how good it was.
15 And I told him that was what I was wanting to do when
16 I got out.

17 And I don't know why everyone is
18 thinking that. That's not -- that's not -- a tire is
19 what he wanted to put that black guy in -- a tractor
20 tractor tire.

01:37:05 21 Q. Have you ever used the word "tire" in a
22 derogatory sense?

23 A. No. No. I never heard that until y'all --
24 my lawyers was asking me what "tire" meant. They
25 just told me it meant something in Spanish for

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1 blacks; and I told them, no, that's what we was
2 talking about.

3 But he was saying he wanted to put the
4 black guy in the tire and put it on the camera. That
5 was what he was wanting to do whenever he got out of
6 prison, and I told him that my main goal was to learn
7 how to do sex deal.

01:37:34 8 Q. All right. Let me ask you this: At any
9 time when you was writing this was it your desire to
10 place a black man in a tire and roll him down a hill?

11 A. No.

01:37:47 12 Q. Okay. Now, we can spend the next couple of
13 months I guess going through all your other letters.
14 But what I want to talk about now is letters that we
15 haven't seen, letters that you would write to your
16 girlfriend. Tell the jury what the tone of those
17 letters would be.

18 A. What do you mean?

01:38:16 19 Q. I'm talking about -- did you ever show how
20 your personal emotions were?

21 A. I told them -- I told her, yes, that it
22 wasn't what I was writing to King. I was telling her
23 how I was feeling about how I couldn't sleep and how
24 everything was bothering me. But I could not come
25 out and tell her straight out this was bothering me

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1 because I knew that people was reading it in the mail
2 room.

01:38:43

3 Q. And -- go ahead. I'm sorry. Go ahead.

4 A. I was just -- well, there in Jasper after
5 this had happened -- it was like 10 or 11 days where
6 I stayed up. I could not sleep because of what had
7 happened. I was basically trying --

01:39:00

8 Q. We're going to get to that portion in just
9 a minute, Russell. What I'm talking about is did you
10 write your girlfriend letters while you were in the
11 penitentiary talking about how you were scared?

12 A. Yes. I wrote her almost -- in every one of
13 the letters I wrote her it said something about that.

01:39:15

14 Q. Okay. Now, enough about the letters.
15 Let's move on down the road. I believe you -- last
16 you left off you had just pulled into Jasper, Texas,
17 with -- was it Shawn or Bill, or who came and picked
18 you up?

19 A. Louis Berry and Bill King.

01:39:34

20 Q. Okay. Now, whenever y'all pull into
21 Jasper, what do you do? Where did you go, where did
22 y'all stay?

23 A. We went to King's apartment; but on the way
24 from Beaumont to Jasper, they asked me what I wanted
25 to do for the Memorial Day weekend which was one or

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1 two days from the day I got there. And I told them
2 I'm just going to be here for a couple of days. It
3 don't matter to me. Y'all are the ones who know
4 Jasper. I don't care. Whatever y'all want to do.

5 So they said they wanted to go to
6 Galveston to -- Crystal Beach island in Galveston.
7 That was something new for me. I hadn't been to the
8 beach so I went with them.

01:40:19 9 Q. Okay. And how long did y'all stay in
10 Galveston?

11 A. Two to three days. Went down there
12 Friday -- like, Friday night and stayed till Sunday
13 evening.

01:40:31 14 Q. Do you recall how much money you would have
15 had with you at that time?

16 A. I had my bus ticket -- I just -- I had,
17 like, 150-dollar check from my last job and I bought,
18 like, a 65-dollar bus ticket to get to Beaumont. And
19 I spend some money on the bus stop for cigarettes and
20 cokes. And I know I had 70 or \$80 I guess --
21 whatever is left from 150.

01:41:00 22 Q. Did you set some back for the bus ticket
23 home?

24 A. \$65. I don't know if that's exactly right.
25 Might have been 70 I think. Whatever the bus ticket

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1 was to go home, I stuck the amount to get back home
2 inside my billfold; and I spent the rest of the
3 money.

01:41:17 4 Q. Okay. Now, when you get back from
5 Galveston, did y'all go back to Jasper?

6 A. Yes.

01:41:24 7 Q. Okay. Did you go back to Bill King's
8 apartment?

9 A. Yes, went back to King's apartment.

01:41:29 10 Q. Okay. During your stay there, were you
11 working down at the -- I believe they called it the
12 Jasper Cinema or the theater. Did you work down
13 there?

14 A. No. I went down there every day whenever
15 Shawn got off, like, at 12:00 o'clock and
16 1:00 o'clock in the evening -- at lunchtime. Excuse
17 me. His job was to go down there, like, before the
18 theater opened and clean up both sides of the theater
19 and have it ready for, like, 6:00 o'clock for when
20 the theater opened up. And because I wasn't working
21 or giving King no money for his apartment, then I
22 felt like it was -- I was going to help Shawn clean
23 out the theater in hopes to get money for helping him
24 out to his job so I can give King money for
25 staying -- rent on their apartment. And I went down

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1 there and helped him everyday if not every other day
2 to clean the theater. And he would stay on the phone
3 in the lobby while I picked up the popcorn deals and
4 the coke cups and all that and blowed it out with
5 that blower. And about 3:00 or 4:00 o'clock he took
6 me to the store and buy me a pack of cigarettes and
7 drop me off at the apartment. Basically I was doing
8 his work and he was just paying me a pack of
9 cigarettes a day for doing that. And he didn't give
10 me no money for helping him clean the theater up.

01:42:51 11 Q. Okay. Now, prior to June the 6th -- I'm
12 sorry. June the 7th. What did you do that day on
13 June the 6th -- that would have been on a Saturday.
14 What did you do that day?

15 A. On June the 6th, Saturday? What time?

01:43:15 16 Q. Yes, sir.

17 A. Saturday morning?

01:43:21 18 Q. Tell me about your day. The parts that you
19 can remember.

20 A. Well, like I said, we took that meat over
21 to Tommy's house. Saturday was the 6th? So Friday
22 night we took the meat over to Tommy's house; and
23 when Shawn got off of work, he came over there. And
24 they was, like -- that guy over there playing the
25 guitar and Tommy and Lewis and Shawn and me and King

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1 and Lewis' girlfriend Courtney was there and they all
2 brung their own beer so Shawn and King said, "Let's
3 go make a beer run." And they invited me to go with
4 them, and I went with them.

5 And we got in Shawn's white car --
6 Shawn said it was his girlfriend's car. And we went
7 down to some blue -- like a club -- it was a long tin
8 building. And Shawn backed straight up to the
9 door -- this is maybe 1:00 or 2:00 o'clock. Shawn
10 backed up to the door and pulled out his pocket knife
11 and popped the door open and told Bill to get out,
12 climb in the backseat. Shawn is driving, King is on
13 the driver's side. And told King to get out of the
14 car and come help him unload the beer. They went in
15 there and got about 10 or 11 or 12 cases of beer and
16 sat them in the trunk and backseat of the car and we
17 took the beer back to Tommy's house. And that was
18 Friday night.

19 So now everyone is sitting there with
20 all that beer over at Tommy's house. We give Tommy,
21 like, two cases of beer just -- I guess for
22 friendship. We give it to him. And everyone was
23 talking about cooking that meat out Saturday at the
24 lake that Tommy -- I say the lake. The river. And
25 have a big barbecue and drink all the beer and all --

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1 this, like, 12 cases of beer and two coolers full of
2 free meat that was stolen. And decided we were going
3 to go -- Tommy was going to take us to the river
4 Saturday morning and all day Saturday was going to
5 cook this meat out. And Saturday night after Shawn
6 got off of work, he was going to come out to the
7 river and join in on the party after the meat was
8 cooked up.

9 So Saturday morning we woke up and
10 Shawn took off I guess to clean up the theater.
11 Everyone spent the night at Tommy's house that night.
12 Saturday morning Shawn got up, I guess, before I did.
13 And I got up, like, 10:00 or 11:00 o'clock; and Shawn
14 was gone. I guess he went back to the apartment and
15 got cleaned up for work. But anyway, me and King
16 left in Kylie's car; and Tommy Faulk and this guy
17 named Weed -- they left in their car to go to the
18 lake, and everyone was hauling the meat and the beer
19 in them two cars.

20 But on the way to the lake Tommy
21 wanted to stop at this guy's house that had, like,
22 two or three big barbecue grills. And Tommy
23 explained to us we were going to cook the meat at
24 this guy's house since he had the big grills and
25 could cook all the meat off before the night came.

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1 Then after the meat got cooked off then we would haul
2 the cooked meat and the beer to the river. And, like
3 I said, when Shawn got off work 12:00 or 1:00 o'clock
4 at night he would meet up with the party.

5 So we're cooking the meat about -- I
6 don't know what time. It was later on that evening a
7 black guy did show up in his truck out there to where
8 we was cooking the meat at, and King got upset and
9 said he didn't want to be there. And told me "let's
10 go"; that he was going to go back to the apartment
11 for what they call a power nap -- take two- or
12 three-hour nap and then we was going to come back to
13 that location. After he took a nap he got -- I guess
14 what he was wanting to do was leave because that
15 black guy was there and hoping he wouldn't be there
16 when he got back.

01:47:17 17 Q. Let me ask you this: Were you offended
18 that -- I believe it was Mr. Grace that was present
19 at that party?

20 A. No, it didn't bother me.

01:47:27 21 Q. Well, did you at any time throw a fit over
22 there and say, "I'm not going to a party where a
23 black person is at"?

24 A. No, I never said nothing.

01:47:35 25 Q. Okay. Let me ask you one more thing --

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1 A. I was out there riding -- they had a little
2 motorcycle out there, like, a trail bike; and I was
3 riding that at three or four more white guys -- about
4 five or six white people. And that one black guy
5 showed up; and that's, you know, when King got
6 offended.

01:47:51 7 Q. Okay. Let me ask you this: You're back at
8 the apartment, you took a nap. This isn't yours, is
9 it? (Indicating)

10 A. Is that one with that writing in there?
11 I've got a green folder.

12 No, this is King's. (Indicating)

01:48:05 13 Q. This is State's Exhibit No. 40 that's been
14 identified as belonging to Bill King. Okay? Did
15 y'all just sit around in an apartment all day long
16 reading through all this Naziism and talking about
17 how you were going to kill folks?

18 A. No. Whenever I got there, he showed me
19 that photo album for the simple reason of that
20 picture right there I give him, like, at
21 Christmastime there at Beto I. He was just showing
22 me that he still had that picture. And I went
23 through the rest of them pictures he had there in his
24 photo album, but as far as anything else -- nothing
25 else was brought out. Just showing me this photo

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1 because it had my picture in it that I had give him.

01:48:39

2 Q. Let me ask you something. Do you
3 recognize --

4 A. Yeah,. I know what's on the back of that.

01:48:50

5 Q. Did you send that to Bill King?

6 A. I didn't send it to him. I give it to him
7 at -- around Christmastime there at Beto I some guy
8 was selling -- he had three or four of them pictures
9 of that -- them girls on there; and I think I give
10 him, like, \$3 for -- a bag of coffee costs \$3. I
11 give him a bag of coffee for three or four of them
12 pictures. And all the people that I knew or
13 associated with I was giving them a bag of coffee or
14 them three pictures -- more or less hand them out for
15 Christmas presents to the guys. And that was one
16 last one I had left and I hadn't given King nothing.
17 That's how he got that picture that -- I give it to
18 him.

01:49:30

19 Q. It says -- the back of this card says,
20 Aryan greetings, John. I hope this will hold you
21 over until your release. She was the only thing I
22 could find available affordable during the seasonal
23 holidays. You -- did you mean that writing to apply
24 to this card that you sent him with that photograph
25 on it? You didn't mean it for this right here, did

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1 you? (Indicating)

2 A. No. I had never seen that until just now
3 in court, and this picture was not -- I didn't
4 notice -- I said I didn't notice this picture in this
5 photo album until it was just brought out in here the
6 other day. That's why I told you to turn that over
7 because that's my handwriting.

01:50:05 8 Q. Okay. And that's actually how we found out
9 that photograph was in there; isn't that correct?

10 A. Yeah. But I told you I had that -- that's
11 a Kodak because it says "Kodak" on the back of it.

01:50:13 12 Q. Is this yours?

13 A. No. That's King's.

01:50:15 14 Q. Okay. Did y'all sit around the apartment
15 for days on end going through all this literature?

16 A. No. Like I said, the only thing -- only
17 literature or pictures that King showed me on the day
18 I got there until now is that photo album right there
19 with that one particular picture in there, more or
20 less bragging to Shawn or approving it -- proving his
21 tale what he told Shawn and Louis -- verifying he
22 wanted me to tell them that I did give it to them. I
23 laughed and said, "Yeah, I gave it to him" and
24 explained just like I told y'all, more or less a
25 Christmas -- present for Christmas.

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